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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,131	09/29/2000	Torgny Palenius	040070-619	2876

7590 04/03/2003

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EXAMINER

TRINH, TAN H

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



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Commissioner of Patents and Trademarks

*Ref Attachment:*

## Office Action Summary

Application No.

09/677,131

Applicant(s)

PALENIUS, TORGNY



Examiner

TAN TRINH

Art Unit

2684

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 8 and 9 is/are rejected.
- 7) ☒ Claim(s) 2-7, 10-16 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4, 5.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. Claims 2-7 and 10-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

### ***Reasons for allowance***

2. The following is a statement of reasons for the indication of allowable subject matter:

Regarding to claims 2 and 10, the prior art of record fails to teach or suggest "the step of adjusting a ratio of power between the first channel and second channel base on the data rate of the first data channel, wherein the transmit power of the first channel is controlled by using the adjusted ratio" as cited in claims 2 and 10. (Claims 3-7 are dependent of claim 2 and claims 11-16 are dependent of claim 9).

### ***Claim Rejections - 35 USC § 102***

3. Claims 1, 8-9 are rejected under 35 U.S.C. 102(b) based upon a public use or sale of the invention, Gilhousen (U.S. Patent No. 5,603,096).

Regarding to claims 1 and 9, Gilhousen teaches a method of controlling transmit power of the first channel base on the determined data rate, (see fig. 3, and col. 11 lines 66-67, col. 12 lines 1-23).

Regarding to claim 8, Gilhousen teaches the adjusting the transmit power base on the received power control command (see fig. 3, and col. 13, lines 3-18).

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***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Persson (U.S. Patent No. 6,067,446) discloses power presetting in radio communication system.

Andersson (U.S. Patent No. 6,334,047) discloses adaptive power control in a mobile radio communications system.

Odenwalder (U.S. Patent No. 6,173,007) discloses high-data rate supplemental channel for CDMA telecommunications system.

5. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314, (for Technology Center 2600 only)**

*Hand-delivered responses should be brought to Crystal Park II,  
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Acting supervisor, Thanh Cong Le, can be reached at (703) 305-4819.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh  
Art Unit 2684  
March 25, 2003

*Uhafr*  
THANH CONG LE  
PRIMARY EXAMINER 8/28/07  
*TU 600*